

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 1093:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
2 provisions relative to agriculture, so as to prohibit the acquisition of possessory interest in
3 certain land by certain foreign persons and entities; to provide for definitions; to provide for
4 exceptions; to provide for civil actions; to provide for penalties; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions
9 relative to agriculture, is amended by adding a new Code section to read as follows:

10 "2-1-7.

11 (a) As used in this Code section, the term:

12 (1) 'Agricultural land' means any land capable of use in the production of agricultural
13 crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy
14 products, or fruit or other horticultural products, but does not include any land zoned by
15 a local governmental unit for a use other than and nonconforming with agricultural use.

16 (2) 'Nonresident alien' means:

H. B. 1093 (SUB)

17 (A) Any natural person described in subsection (a) of Code Section 1-2-11 who is not
18 a United States citizen or legal resident, is a subject of a foreign government designated
19 as a foreign adversary by the United States Secretary of Commerce, and:

20 (i) Has been physically absent from the United States for more than six months out
21 of the most recent 12 months preceding the acquisition of a possessory interest
22 described in this Code section; or

23 (ii) Has been physically absent from Georgia for more than two months out of the
24 most recent 12 months preceding the acquisition of a possessory interest described in
25 this Code section;

26 (B) A corporation, partnership, limited partnership, trustee, or other business entity that
27 is:

28 (i) Domiciled in a country whose government is designated as a foreign adversary by
29 the United States Secretary of Commerce; or

30 (ii) Domiciled within the United States, but the ownership of at least 25 percent of
31 which is composed of any corporation, partnership, limited partnership, trustee, or
32 other business entity that is domiciled in a country whose government is designated
33 as a foreign adversary by the United States Secretary of Commerce;

34 provided, however, that this subparagraph shall not include a corporation, partnership,
35 limited partnership, trustee, or other business entity leasing land from its owner and
36 using such land for agricultural research and development or experimental purposes,
37 including testing, developing, or producing crop production inputs, including, but not
38 limited to, seeds, plants, pesticides, soil amendments, biologicals, and fertilizers, for
39 sale or resale to farmers; or

40 (C) A foreign government designated as a foreign adversary by the United States
41 Secretary of Commerce.

42 (3) 'Residential property' means single-family and two-family, three-family, and
43 four-family residential real estate.

44 (b)(1) Except as provided by subsections (c) and (d) of this Code section, no nonresident
45 alien shall acquire directly or indirectly any possessory interest in agricultural land or
46 land within a ten mile radius of any military base, military installation, or military airport.

47 (2) This subsection shall not apply to residential property.

48 (c)(1)(A) A nonresident alien may acquire a possessory interest in agricultural land by
49 devise or inheritance, as security for indebtedness, in the collection of debts, or by any
50 procedure for the enforcement of a lien or claim thereon, whether created by mortgage
51 or otherwise.

52 (B) Any such possessory interest in agricultural land acquired by a nonresident alien
53 in the collection of debts or by any procedure for the enforcement of a lien or claim
54 thereon shall be disposed of within two years after acquiring such possessory interest.

55 (C) Any such possessory interest in agricultural land acquired by a nonresident alien
56 by devise or inheritance shall be disposed of within one year after acquiring such
57 possessory interest.

58 (2) A nonresident alien with any possessory interest in agricultural land as of
59 June 30, 2024, shall dispose of such possessory interest no later than June 30, 2027.

60 (d) A nonresident alien that acquires a possessory interest in agricultural land pursuant to
61 subsection (c) of this Code section may avoid disposing of such interest if, within the time
62 required for disposal, such nonresident alien terminates said nonresident alien status.

63 (e) A broker who is engaged by client who is a prospective buyer or seller of a possessory
64 interest in agricultural land shall timely disclose to said client the requirements and
65 limitations of this Code section. For purposes of this subsection, the terms 'broker,' 'client,'
66 and 'timely' shall have the same meanings as provided in Code Section 10-6A-3.

67 (f) A nonresident alien that purports to acquire any interest in agricultural land in violation
68 of this Code section shall be barred from making any claim against any party for restitution
69 of the purchase price paid by such nonresident alien in connection with such interest in
70 agricultural land or for any other kind of payment relating to the nonresident alien's loss

71 or lack of title to such interest in agricultural land. The legal counsel of any county,
72 municipality, or consolidated government in which the agricultural land is located, the
73 Attorney General, or any person that is not a nonresident alien that was a party to the void
74 transaction or is a subsequent holder of such interest may file an action.
75 (g) An individual who intentionally violates the provisions of this Code section shall be
76 guilty of a felony and shall be punished by a fine of not more than \$15,000.00 or
77 imprisonment for not less than one year nor more than two years, or both."

78 **SECTION 2.**

79 All laws and parts of laws in conflict with this Act are repealed.